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Fifty-eighth session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 March 2002, at 10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

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The meeting was called to order at 10.10 a.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2002/19 and 20; E/CN.4/2002/NGO/31, 47, 107, 113, 125, 128, 161, 198 and 199)

1. Ms. GABR (Observer for Egypt), speaking on behalf of the League of Arab States, said that respect for the right to self-determination was fundamental to the observance of other human rights and all peoples had the right to choose their own political regimes and policies. Although it was a collective right, it underpinned many individual rights which could be exercised only if the right to self-determination was observed.

2. The Palestinian people's right to self-determination and to establish an independent State with Jerusalem as its capital had been denied by over half a century of Israeli oppression, in clear contravention of the Charter of the United Nations. There was international consensus that the Palestinian people had a sovereign right to establish their own independent State, and Security Council resolution 1397 (2002) represented an important step towards that objective. The Commission on Human Rights had also recognized that right in its resolutions on the question of the violation of human rights in the occupied Arab Territories, including Palestine.

3. However, Israel had seen fit to ignore the views of the international community and to continue with its policy of oppression. That policy had visibly failed, as it had not provided security for the Israeli people. Israeli claims that the Palestinians were responsible for initiating the violence were quite untrue. Moreover, Israel continued to reject any return of Palestinian refugees.

4. The Commission should send a clear message to the Government of Israel: peace could not be imposed by force, and the will of the Palestinian people could not be broken. The Commission had a clear responsibility to promote the principles of human rights throughout the world and must persist in its efforts to enable the Palestinian people to establish an independent State within which they could enjoy all their human rights.

5. Ms. de ARMAS GARCIA (Cuba) said that the right to self-determination had its roots in the struggle against colonial domination, which still persisted in various countries and territories, including those occupied by Israel. The developing countries' right to self-determination was also threatened by a new policy of force and domination and from theories intended to legitimize a supposed right of intervention. The imposition of imperialist hegemony must be resisted and globalization must not be allowed to force humanity to conform to the precepts of the main centres of transnational capital. The exercise of the right to self-determination was a prerequisite for the observance of all human rights, which had no meaning as long as foreign domination and occupation persisted.

6. As mentioned in the report by the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (E/CN.4/2002/20), mercenary activities had become a real threat to the exercise of the right of peoples to self-determination. She thus welcomed the entry into force of the International

Convention against the Recruitment, Use, Financing and Training of Mercenaries, noting that her country would soon be finalizing its accession thereto. She agreed with the Special Rapporteur's interpretation of the increasingly clear linkages between mercenary activities and terrorism.

7. Those responsible for the explosion that had cost the lives of the crew and passengers of a Cubana de Aviación aircraft during a flight near Barbados in 1976 were known to the United States authorities but had not yet been punished. One of them, who had lived in the United States for over 10 years, had even taken out a full-page advertisement in a Miami newspaper to announce that he and other well-known terrorists would continue to use all means available, not excluding terrorism and violence, to fight against Cuba. Another of those responsible had organized bomb attacks on tourist centres in Cuba and planned to assassinate President Castro in Panama in 2000. Her Government condemned the brutal attacks of 11 September 2001 and expressed its solidarity with the people of the United States, but demanded that the fight against terrorism should be genuinely aimed at eliminating it everywhere in all its forms.

8. Despite the international campaign against terrorism, the Cuban-American terrorist mafia, with the connivance of the United States Government, continued to attempt to abort the judicial proceedings against criminals such as Luis Posada Carriles who were guilty of many terrorist crimes aimed at the Cuban people. The United States Government had for decades sponsored and carried out terrorist actions against Cuba using mercenaries, while the Cuban-American National Foundation and other organizations continued to act with impunity, openly financing and organizing terrorist actions against Cuba. Luis Posada Carriles should not be allowed to escape from justice. She called for a fair trial and exemplary punishments for him and the other international terrorist-mercenaries she had mentioned.

9. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic) having endorsed the statement by the observer for Egypt on behalf of the League of Arab States, said that there were certain factions which refused to comply with the principles of justice and accept the right of all peoples to self-determination. Israel and its supporters were preventing the Palestinian people from enjoying their right to self-determination and their right to establish an independent state with Jerusalem as its capital.

10. Since the founding of the United Nations in 1945, his delegation had always supported the right of peoples to self-determination. The Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and many United Nations resolutions had clearly established that right, of which the peoples of the many colonized countries had availed themselves. Only the Palestinians were still denied it.

11. It was shameful, that in the twenty-first century, occupation and colonization still existed and still more shameful that international understanding of those terms had been corrupted so that Israel had succeeded in getting its policy accepted as legitimate. The report by the Secretary-General (E/CN.4/2002/19) illustrated perfectly Israel's contempt for the resolutions adopted by the Commission and other United Nations bodies.

12. It was essential therefore that the Commission should shoulder its responsibilities and be unequivocal in its criticism of the Israeli policy of occupation and violence. The Israeli forces must withdraw from the occupied Palestinian territory and an independent State of Palestine must be established, with Jerusalem as its capital. Israel must respect all the rights recognized by United Nations bodies.

13. It would be difficult for any people to live through 54 years of occupation. In the case of the Palestinian people, the situation was exacerbated by the fact that the Israelis, while imposing their will on the Palestinians, enjoyed the full exercise of all their rights, as well as the support of the international community at every level. The result was that Israelis lived in prosperity, while Palestinians suffered deprivation and anguish. Nevertheless, Israel was wrong to believe that the Palestinian people could be terrorized into submission; they were still fighting to obtain their right to self-determination.

14. Mr. ATTAR (Saudi Arabia), having endorsed the statement by the observer for Egypt on behalf of the League of Arab States, said that, although the Commission had regularly adopted resolutions on the topic under discussion, his delegation still had doubts about the extent to which the international community understood or responded to the right of peoples to self-determination and the application of that right to peoples under colonial or alien domination or foreign occupation. There were indications that political considerations still prevailed in discussions of the issue.

15. The tragic situation of the Palestinian people under the ruthless and oppressive Israeli occupation continued to pose a challenge not only to the Security Council but also to the Commission. The international community must enable the Palestinian people to enjoy their full and undiminished rights, including their right to establish an independent State, with Jerusalem as its capital.

16. Israel's "military deterrent" would never succeed in halting the Palestinian people's intifada or induce them to stop demanding their legitimate rights. The best, and only, way to address the situation was to tackle its political causes: namely, to remedy the political injustice that had made the region erupt like a volcano. The Israeli Government should clearly understand that it must terminate its occupation; any action short of that would merely prolong and exacerbate the conflict, to the detriment of all parties.

17. The Israeli occupiers would not bring about the capitulation of the Palestinian people, whereas the Palestinian leadership had shown an undaunted commitment to the peace process and had called for immediate intervention to ensure compliance with the rules and principles of the peace process agreed upon at the Madrid Conference, in the face of Israel's arrogant refusal to resume peace negotiations. In that context, he drew attention to Security Council resolution 1397 (2002), the adoption of which had constituted an historic act.

18. In the light of the events taking place in the occupied Palestinian territory, it was essential that the Commission should assume its responsibilities and put its resolutions into effect. The various visions advocating peace, as reflected in Security Council

resolution 1397 (2002) and the initiative of Crown Prince Abdullah of Saudi Arabia would undoubtedly help to give effect to the Commission's own resolution on the issue and confirm that the option chosen by the Palestinians provided the only way for the region to live in security and peace.

19. The right of peoples to self-determination was an end and not a means. Since the international community recognized the legitimacy of struggle and resistance to achieve that end, the right to self-determination was indivisible from other human rights and should be equally supported by the international community.

20. Mr. DEMBRI (Algeria) said that the Commission, the champion of the oppressed, was undoubtedly the most appropriate forum in which to assess the success of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Decolonization had won many victories and much credit was due to the United Nations for having helped the process along. Nevertheless, there was some unfinished business in various parts of the world, above all in the occupied Palestinian territory, whose people had for over half a century been ghettoized and humiliated in the eyes of the world.

21. Positive though Security Council resolution 1397 (2002) was, it should not obscure the fact that many attempts to make peace had failed. It would be useless to list once again the manifold resolutions by the United Nations and other intergovernmental organizations over the decades, urging the occupying forces to withdraw from Palestinian territory and enable the Palestinian people to exercise their right to self-determination.

22. It was deeply shocking that the heirs of the Holocaust were inflicting on another people the Nacht und Nebel procedure that had oppressed their own predecessors. It was even more deeply shocking to hear the inflammatory, racist sentiments expressed by senior Israeli officials and army representatives, whose words recalled the excesses of the 1930s. His delegation fully supported the Palestinian's struggle for their historic, inalienable rights by means of their heroic intifada.

23. Another people still unable to exercise its right to self-determination was the people of Western Sahara, the former Spanish colony occupied by force under a secret agreement reached in Madrid in 1975. The matter had been before the United Nations since 1966 and finally, in August 1988, Morocco and the Frente POLISARIO had been persuaded to accept the principle that a referendum on self-determination should be held. For its part, his delegation had consistently expressed a preference for direct discussions between the two parties to the conflict.

24. The gradual round of negotiations had, however, been disturbed by a new proposal introduced at a meeting in Berlin in September 2000, whereby the illegal occupation of the territory of Western Sahara would be legitimized by preparing for its integration into Morocco. That proposal was contrary to the mandate entrusted to the Secretary-General and his personal representative to carry out the earlier plan, not to amend it. The Frente POLISARIO had rejected the proposal out of hand. The Maghreb region needed peace and development, with economic integration to enable it to face the challenges of globalization, but that must be carried out freely by all the peoples of the region.

25. His delegation fully supported the conclusions contained in the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/2002/20). The entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries was an important achievement. Unfortunately, mercenary activity remained widespread, particularly in Africa, owing to the greed of foreign Powers which fostered regional conflicts in order to gain control of natural resources.

26. Security Council resolution 1343 (2001), which had embargoed the trade in diamonds from West Africa, should be extended to cover places where diamonds were traded and the States in which such trade occurred should be urged to suppress such activities, which encouraged the use of mercenaries. In southern Africa, too, mercenaries continued their criminal and destructive conduct in, for example, Angola, where foreigners had been seen with the forces of the União Nacional para a Independência Total de Angola (UNITA) looting the country's resources in exchange for arms.

27. In his previous report (E/CN.4/2001/19), the Special Rapporteur had drawn attention to the connection between terrorist groups and mercenaries, and had mentioned the existence of military training camps in Afghanistan and the fact that persons trained in those camps had taken part in conflicts in other countries. The attacks on the United States on 11 September 2001 had provided a perfect illustration of the fact that silence and complacency with regard to terrorist acts that threatened the primary human right - the right to life - could be the prelude to particularly fateful events. A further meeting should be held, as recommended by the General Assembly, to flesh out the definition of a mercenary, taking into consideration the new forms of what had become an organized transnational crime.

28. Mr. MOHAMED (Sudan) said that the people of Palestine were living through a particularly difficult time as a result of Israel's occupation. If the Israeli forces continued their policies of massacre, collective punishment and destruction of homes - which were tantamount to genocide - the peace and security of the region would be put even more gravely at risk.

29. The Palestinians, who had the inalienable right to self-determination, as laid down by the Charter of the United Nations, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action, had freely elected their leaders. It was thus totally unacceptable for Israel to harass and humiliate them.

30. The Commission should put pressure on Israel to remove the obstacles it had placed in the path of Palestinian self-determination. Colonization and expansion should be discontinued and the settlements in the occupied territories, especially East Jerusalem, should be vacated. Aggression against civilians should cease and the Israeli Government should accept the precepts of international law and General Assembly resolutions.

31. Lastly, Israel should not be allowed to equate the Palestinian resistance with terrorists such as those who had carried out the attacks in the United States on 11 September 2001: there was a clear distinction between terrorism and resistance.

32. Mr. ARENALES FORNO (Guatemala) said that, for many years, the international community had concerned itself with the right to self-determination for peoples under colonial domination or foreign occupation. It had, however, forgotten about the right to self-determination of peoples who were not subject to any such domination or occupation: those who fought for their rights and identity within their own States. His delegation wished to draw the Commission's attention to the need to address, under the agenda item, the human rights and fundamental freedoms of indigenous peoples, an issue which was avoided for fear of appearing to encourage secession. Whereas in democratic States the rights of indigenous peoples were respected, that did not mean that secession was not sometimes a valid option in undemocratic States. The Commission had a responsibility to the Mayas, the Kurds, the Tibetans and many others, who called on the Commission to affirm their identity, dignity and rights. The peoples of Catalonia, Galicia, Wales, Quebec and Puerto Rico provided an example of how peoples could find their place in democratic States, whereas the examples of the Croatians and Slovenes showed the result of a confrontation with anti-democratic authoritarianism.

33. His delegation recognized the right of the Palestinian people to self-determination on the basis of a Palestinian State. However, as long as there was any question by the Palestinians and various Arab States of the right of Israel to exist as a State, thus striking at the Jewish people's right to self-determination, that right could not be exercised. His delegation therefore called for an express acknowledgement by the Arab countries of Israel's right to exist as a State with internationally recognized and secure borders, in conformity with Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002).

34. Mr. SABHARWAL (India) said the concept of self-determination should not become an instrument for the erosion of the political cohesion or territorial integrity of sovereign Member States of the United Nations. The international community had consistently affirmed that the right to self-determination did not extend to component parts or groups within independent sovereign States.

35. Pakistan, which was illegally occupying part of the Indian State of Jammu and Kashmir, was abusing the concept of self-determination to further its territorial ambitions. Its calls for dialogue rang hollow in the light of its continuing terrorist outrages against India. The measures taken by India following the attack on its Parliament in December 2001 must be seen as unavoidable steps in self-defence.

36. A clear distinction must be made between examples of classic colonialism and opportunistic attempts to grab the territory of other States through terrorism and violence. The international community must send an unequivocal message that it would not tolerate a distortion of noble concepts such as the right to self-determination.

37. Mr. TRUNG CHI HOANG (Viet Nam) said that the right to self-determination was fundamental to the enjoyment of all other rights, and the Palestinian people was being denied its inalienable right to establish an independent State with Jerusalem as its capital. His delegation strongly condemned the excessive use of military force against Palestinians and called upon Israel to act swiftly to get the peace process back on track. It supported all initiatives to resume peaceful negotiations, particularly the one recently proposed by Saudi Arabia, and considered Security Council resolution 1397 (2002) an important step in that direction.

38. Mr. NENE (South Africa) said that the Israeli army's concerted military attacks on the Palestinian people were intended to weaken and discredit the Palestinian Authority, which had been created as a basis for peace. The physical damage to its institutions, buildings and infrastructure was unacceptable. It would ruin the social fabric and the economy for years to come. However, it was the most recent incursions into refugee camps that had highlighted the Israeli military's total disregard for human rights and dignity.

39. The Israeli actions had clearly exceeded the standards of international humanitarian law, but it would be impossible to deal with the human rights situation in Palestine without addressing the core of the problem, which was the denial of the Palestinian people's aspirations to self-determination. It was that which had led some Palestinians to resort to extreme measures.

40. His Government had consistently maintained that there could be no military solution to the conflict between the Palestinians and the Israelis. That there were those who were genuinely committed to dialogue and partnership had been shown at a recent meeting of prominent Israelis and Palestinians convened by President Mbeki in order to share South Africa's experience in peacemaking and transition to democracy and support the strengthening of peace camps in Palestine and Israel. His delegation welcomed Security Council resolution 1397 (2002) and urged both parties to return immediately to negotiations and cooperate in implementing the Tenet Plan and the Mitchell Report.

41. Mr. NAZARIAN (Armenia) said the right to self-determination constituted a major principle of international law, which formed the backbone of the community of democratic States and the United Nations system. No individual rights could be fully guaranteed in its absence.

42. New strategies had, however, begun to emerge to limit the exercise of the right to self-determination by insisting that it should be applied once only and never again. Such attempts to deny multiple implementation should be considered a gross violation of human rights. Equally unacceptable was the prioritization of the principle of territorial integrity over the right to self-determination. According to the provisions of the Helsinki Final Act, both principles were interrelated and could not be applied separately.

43. Armenia was committed to the full implementation of the right of the peoples of Nagorno-Karabakh to self-determination through peaceful means. Using all available legal mechanisms, the population had voted overwhelmingly for sovereignty. Its life and security was not a minority rights issue, as it was sometimes incorrectly termed, but a classic example of the right to self-determination. Yet Azerbaijan's response to those aspirations to exercise the right to self-determination had been to organize pogroms and massacres of Armenian residents in Azerbaijan that had shocked the world.

44. The international community should lend its support to a decision making further wholesale violence and denial of human rights impossible. A framework for constructive dialogue between States could defuse tension and contribute to regional and international peace as well as the promotion and protection of human rights. His delegation would welcome any initiative on the right to self-determination during the Commission's current session, with a view to helping prevent conflicts within States.

45. Mr. AL-FAIHANI (Bahrain) said his delegation endorsed the statement made by the observer for Egypt on behalf of the League of Arab States.

46. The human rights violations taking place in the occupied Arab territories of Lebanon and Palestine were causing ever more suffering and undermining the fabric of society. The Arab peoples in that region were labouring under the yoke of colonialism and he urged the international community to use all means to put an end to that situation.

47. Israel's policies and practices, including the establishment of Jewish settlements, the destruction of Palestinian dwellings and the confiscation of water sources, violated the fundamental rights of the Palestinian people, including their economic rights. It appeared that all the conferences and Security Council resolutions had succeeded only in exacerbating Israeli aggression.

48. He called upon the Security Council to insist on a total withdrawal by Israel from the occupied territories back to the 1967 borders, withdrawal from Lebanese territory and the creation of an independent Palestinian state with Jerusalem as its capital. The Palestinian people continued to hope that their suffering would end one day, but that would not be possible without Israel's withdrawal.

STATEMENT BY THE SECRETARY OF STATE FOR HUMAN RIGHTS OF BRAZIL

49. Mr. PINHEIRO (Brazil), having praised the extraordinary contribution made by the High Commissioner to the campaign for human rights, said that his Government attached great importance to the promotion and protection of human rights and considered that, for the process to be successful, it was essential that it should be monitored in the international community by all the Commission's treaty bodies and special procedures as well as by the national and international organizations of civil society in every Member State. It was with great pleasure, therefore, that he saw such organizations increasingly participating in the Commission's sessions.

50. There were three aspects of the current situation that he considered particularly relevant in view of their consequences for the promotion and protection of human rights namely, terrorism, racism and racial discrimination and globalization.

51. Since the events of 11 September 2001, the situation had once again become dangerously polarized with respect to notions of terrorism and the methods of combating it. His Government considered it important to understand that success in the fight against terrorism could not depend only on the effectiveness of acts of self-defence or on the use of military force by each individual country acting outside the framework of the United Nations. Terrorism should be combated in full respect for human rights and the rule of law so as to demonstrate the importance of upholding the values enshrined in international human rights law and international humanitarian law.

52. His Government rejected terrorism and had expressed its total solidarity with the American people in the aftermath of 11 September and had supported the Security Council resolution on terrorism. However, in the war against terrorism it was important never to lose

sight of the need to maintain the moral high ground and a human rights perspective. Unilateralism must be avoided at all costs, since its consequences were, all too often, borne by vulnerable groups or less powerful countries.

53. Terrorism was but one of the issues on the international agenda and must not prevail over the consideration of other issues of global concern. The importance of combating racism and racial discrimination had been further intensified by the struggle against terrorism. It required incessant effort by the State and by civil society. Recognition rather than the denial of social inequality and structural racism was an essential step in the struggle for equality and the fight against discrimination.

54. Brazil had one of the largest populations of African origin in the world. President Fernando Henrique Cardoso had recently condemned the slavery practiced for nearly four centuries in Brazil as a crime against humanity and had urged the State to seek to redress such injustice through affirmative action policies to promote the rights of people of African descent. Although Brazil had made considerable progress in its struggle against discrimination, much remained to be done and his Government had solemnly promised to continue the process.

55. His Government recognized 230 native populations (300,000 persons) as indigenous peoples entitled to roughly 12 per cent of the national territory. In preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, a coalition between people of African descent and indigenous peoples had for the first time in Brazilian society been established. However, further progress had still to be made in the struggle against racism at the international level and his delegation would, at the current session, once again be proposing a resolution declaring the incompatibility between racism and democracy.

56. The last of the three aspects he intended to address was globalization. Globalization, would be sustainable only if it incorporated the dimension of justice, as indicated by the concept of "globalization with solidarity" or "ethical globalization". Poverty was a flagrant violation of human rights and all human rights should be treated equally. There must be greater access to markets, better conditions for the combat of diseases, reform of the Bretton Woods institutions and practical forms of cooperation for development. His Government attached much importance to the question of development and to its realization within the framework of the observance of human rights and, therefore, hoped that the forthcoming negotiations regarding the proposed resolution on the right to development would be successful.

57. At the regional level, his Government had defended the need for the Inter-American system for the promotion and protection of human rights to be effectively applied to all members of the Organization of American States (OAS) and was beginning a process of negotiation with petitioners in all cases of human rights violations in Brazil submitted to the Inter-American Commission on Human Rights.

58. At the international level, Brazil had been focusing on dialogue with the mechanisms created by the Commission and had received two visits by the United Nations High Commissioner for Human Rights in the last two years and the missions of six special rapporteurs since 1995. His Government officially extended a standing invitation to all the human rights mechanisms, both conventional and non-conventional, to visit Brazil.

59. He hoped that the current session of the Commission would be successful and would contribute effectively to improving the standards for the promotion and protection of human rights both among Governments and between Governments and the organizations of civil society.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF LATVIA

60. Mr. BĒRZIŅŠ (Latvia) said that, for small countries, there were three aspects of the United Nations which were of particular importance: involvement, cooperation and responsibility. It was no accident, therefore, that the United Nations had been the first international organization Latvia had joined after it had regained its independence, having been arbitrarily deprived of the possibility of participating in international activities ever since the establishment of the Organization. In the 1990s, Latvia had become a member of the Economic and Social Council and an active contributor to the work of the Commission.

61. His Government considered the promotion of a human rights culture to be of the utmost importance, since it could make administrations accountable for human rights violations. The universal human rights treaties extended beyond the reciprocal interests of countries and the Commission must therefore continue its practice of examining human rights situations in any part of the globe.

62. The Commission had tried successfully for many years to avoid becoming an overtly political body but the challenge still remained and the way to address it was to adhere strictly to the Commission's own regulations. It was becoming more and more obvious that the Commission was not just a six-week annual session, ending with the adoption of resolutions and decisions, but a continuing process. He therefore drew attention to his Government's proposal - which had already been accepted by its regional group and met with the approval of many other delegations - that the Commission's Bureau should be elected at the beginning of each year.

63. The new challenges posed by the advent of the twenty-first century placed an even greater responsibility on the Commission to promote human rights at every level. Free access to information provided the international community with a real opportunity to examine the compliance of individual Governments with universal human rights norms. Increased transparency benefited real men and women, whose human rights needed better protection. In that spirit of transparency, he reiterated his Government's standing invitation to all the Commission's thematic special procedures. His Government had always welcomed the assistance of international and regional organizations and their advice on the implementation of international human rights standards. In that connection, it had, in January 2002, signed the two Additional Protocols to the Convention on the Rights of the Child.

64. His Government had worked to make its cooperation with international and regional organizations a two-way process. The conclusion reached at the end of 2001 by the Organization for Security and Cooperation in Europe (OSCE) and its participating States that the OSCE Mission to Latvia should be discontinued reflected the positive assessment of his Government's work in protecting human rights since the establishment of the Mission.

65. After 50 years of foreign occupation, Latvia sought to build an integrated and inclusive society ruled by a climate of tolerance and mutual understanding among the country's different ethnic and social groups. The comprehensive Social Integration Programme defined Latvia's long-term strategies in various sectors, including citizenship, language and education. Since 1998, any legal resident who passed the naturalization board's language and history exams could acquire Latvian citizenship. Many had done so. The Government's information campaign entitled "Citizenship of Latvia - Make Your Choice", to encourage potential citizens, had resulted in a sharp increase in the number of applications for naturalization in the first two months of 2002. In February, the 50,000th naturalized citizen had been registered.

66. The end of 2001 had seen the establishment of the Society Integration Foundation, which would be a key mechanism for promoting a harmonious society based on common democratic values. Its task was to support and facilitate the integration process in conformity with the State Integration Programme. The Foundation had already approved more than 20 integration projects for financing; US$ 330,000 had been allocated from the State budget for the purpose.

67. Lastly, although no one could assert that the Durban Conference had solved the problem of racism, it had undoubtedly established a framework within which the international community could continue its work. The true measure of the international community's efforts, both at the Conference and in the Commission, would be whether they made a real difference to the lives of people whose human rights were violated.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE SLOVAK REPUBLIC

68. Mr. KUKAN (Slovak Republic) said that, on 11 September 2001, terrorism had crossed all the boundaries of culture and civilization and become a global threat. All countries were equally vulnerable, regardless of place, time or beliefs. The issue of terrorism must therefore be considered in the broader context of the protection and promotion of human rights. Primary responsibility in that regard lay with States, within the framework of the international mechanisms. However, the principle of State sovereignty could not be used as an excuse for violations of human rights within State borders.

69. The Slovak Republic had added its voice to the anti-terrorist coalition and was a signatory of all twelve international treaties dealing with the fight against terrorism. It intended to ratify the International Convention for the Suppression of the Financing of Terrorism and had already begun implementing the OSCE Plan of Action for Combating Terrorism and Security Council resolutions 1373 (2001) and 1368 (2001). International anti-terrorist legislation would soon be fully incorporated into the country's legal framework.

70. His Government attached great importance to the principle of the universality of human rights. While the promotion of human rights in individual countries should take account of specific historic and cultural characteristics, that could not serve as a pretext for violation of universally recognized human rights and fundamental freedoms.

71. His Government had been dismayed at the recent loss of innocent lives in the Middle East in actions that had succeeded only in further fuelling the violence and hatred in Israeli-Palestinian relations. Both parties must unconditionally approve practicable measures against possible terrorist attacks in order to restore the trust that had been lost. Ways should be found to protect lives and property that fully respected international law and human rights. In that spirit, and in order to show that smaller countries, too, could play an active part in maintaining international peace and security, the Slovak Republic had been pursuing an active policy in the Middle East as part of United Nations peace missions; it also hoped to become a non-permanent member of the Security Council in 2006.

72. Current world events had once again focused attention on the issue of the effective implementation of human rights standards and the Commission was the most important human rights body in the United Nations system. In that connection, his delegation supported efforts to strengthen and reform the human rights mechanisms and improve the operation of the treaty bodies. There should be full and consistent implementation of human rights documents at the national level. For example, Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms had been incorporated into his country's legal framework and his Government always cooperated with representatives of United Nations human rights mechanisms. It was aware of the need for synergy between the activities of international, national, governmental and non-governmental bodies in the contemporary multicultural society as proof of the political will to maintain a dialogue in the sensitive area of human rights.

73. The Durban Conference had, despite the difficulties during the preparatory process and at the Conference itself, succeeded in approving consensus documents. As a follow-up, his Government had prepared a second action plan for the fight against racism in 2002-2003 and drafted a new anti-discrimination legislation. It also felt itself to be bound by the conclusions of the European Conference against Racism, which in some respects went beyond those of the World Conference, and had accordingly established a body to deal with the issue of compensation for victims of the Holocaust.

74. His Government's human rights policy was based on Western values and it consequently aligned itself with the statement made by the Minister for Foreign Affairs of Spain on behalf of the European Union and associated countries. It fully supported the concept that globalization must include protection of human rights and a balance between civil and political and economic, social and cultural rights. The two categories of rights were interdependent and mutually reinforcing and, while it was difficult to build democracy in adverse economic and social conditions, there could be no development without consolidation of democracy, the rule of law and good governance.

STATEMENT BY THE VICE-PRESIDENT OF COLOMBIA

75. Mr. BELL LEMUS (Colombia) said that it was an honour to address the Commission on behalf of the people of Colombia who, despite their current difficulties, were determined to build a future based on reconciliation, for which purpose they welcomed the support and understanding of the Commission. On behalf of his Government, he wished to express to the High Commissioner for Human Rights its sincere regrets at her decision not to seek a renewed term of office.

76. The international community was well aware of the current situation in his country not only from the press reports on the breakdown of peace negotiations with the guerrillas of the Fuerzas Armodas Revolucionarias de Colombia (FARC) but also because of the direct involvement of States, international organizations and civil society in President Pastrana's attempts to achieve peace over the past three years. His Government welcomed the expressions of support and understanding it had received following the terrorist acts of FARC and its lack of interest in reaching a negotiated settlement, which had led to the breakdown of the talks.

77. His Government had done its utmost and had negotiated in good faith in an endeavour to achieve a successful conclusion but the same could not be said of FARC, which must take full responsibility for the failure of the negotiations. As the European Parliament had declared on 14 March 2001, it had been impossible for his Government to negotiate with persons who continued at the same time to kidnap and murder. The Commission should also send a clear message of rejection to those who would overthrow the State and Columbian society through the use of violence.

78. International support was an expression of the international community's commitment to a democratic society which rejected violence. The civilian population had become the target of indiscriminate violence on the part of groups which did not represent it, suffering from attacks against the infrastructure, kidnappings, extortion and forced recruitment of minors. The people's courage in resisting terror, as evidenced by, for example, the indigenous populations of Bolívar, Caldono and Puracé or by the increasingly frequent mass demonstrations, spoke eloquently of their desire for an end to violence and respect for civilians and humanitarian standards.

79. The current conflict had not succeeded in hindering the democratic development of Colombia because those who had declared war on the legitimately constituted State and on civil society represented no more than 0.1 per cent of the population. Colombia had a long tradition of democracy, and in the recent elections, 10 million Colombians had voted in free and fair parliamentary elections, proving that threats and intimidation could not overcome the people's desire for democracy and that Colombians preferred ballots to bullets.

80. The conflict in Colombia was not one of a rebellion against tyranny or oppression or of a subjugated minority or for separatism, it was a violent attack against society and democracy by illegal groups which, although originally motivated by ideology, had become increasingly dependent on income derived from illegal activities which had no relationship to politics. Drug trafficking had been the major factor in the increased number of human rights abuses during the conflict and that scourge had transformed the nature of the conflict and made it an issue of increased concern to the international community.

81. Full cooperation between his Government and the international community was more necessary than ever if the objectives of development and peace were to be achieved and any reduction in international support would cause irreparable harm, including to the civilian population, as a result of the growing of illegal crops and territorial rivalries between illegal groups for the control thereof.

82. Strengthened international cooperation was essential in the fight against the violence and terrorism generated by drug trafficking. The world had recently seen a terrible example of what groups financed by drug trafficking were able to do, a phenomenon with which Colombia was only too familiar. It had constantly to deal with the threat of terror and violence, which gave it sufficient moral authority to reiterate its call for cooperation and solidarity in combating the perverse link between terror and drug trafficking.

83. His Government would continue its efforts to oppose any illegal armed group anywhere that victimized the civilian population and obtained financing from illegal sources. As the Government of a democratic State, it would do so using methods based on the Constitution and the law in an effective and ethical manner and with full respect for human rights as it carried out its duty to defend its citizens.

84. Over the preceding decade, Colombia's institutions had been transformed and human rights guarantees had been strengthened. The leaders of former guerrilla organizations such as M19 and the Ejército Popular de la Liberación (EPL) had played a role in that process, having been reintegrated into civilian life through negotiations with the State. Members of those groups had been elected to office and, in the recent parliamentary elections, the democratic left had received substantial support.

85. The continuing armed conflict was largely responsible for human rights violations in Colombia and that was why his Government had done everything possible to put an end to that conflict. At the same time, it had made a determined effort to institute a policy of full respect for human rights and international humanitarian law. Progress had been made, but the context of violence required greater effort and additional resources to protect the civilian population and civilian infrastructure, for which international assistance was more than ever necessary.

86. His Government was also continuing its efforts to incorporate international instruments and standards into domestic legislation, for example in the areas of legal provisions concerning forced disappearance, genocide and torture and crimes against protected persons and property.

87. The treaty creating the International Criminal Court would soon be ratified by the National Congress and the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction had been ratified and a working group had been set up to ensure the fulfilment of the Government's obligations under the latter instrument.

88. His Government had always dealt openly with the international community, even under difficult and exceptional circumstances. The office of the United Nations High Commissioner for Human Rights (OHCHR) had recently opened additional offices in Cali and Medellín and

agreements had been entered into with the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and the United Nations Development Programme (UNDP) and many other international and regional bodies. It welcomed the visits and recommendations of United Nations special representatives and rapporteurs, while reserving the right to express its disagreement when appropriate, and was well aware of its obligation to develop society, reduce marginalization, modernize its institutions and strengthen democracy with a view to guaranteeing full enjoyment of civil and political and economic, social and cultural rights.

89. Efforts to achieve those objectives would continue whatever the outcome of the negotiations with guerrilla forces. His Government was determined to continue to seek a negotiated solution to the conflict and would, for example, continue its efforts for dialogue with another major insurgent group, the Ejército de Liberación Nacional (ELN) which, it hoped, would achieve tangible results and reconciliation among Colombians. His Government and the vast majority of Colombians hoped for the Commission's understanding, support and solidarity.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

90. Mr. VEGA (Chile) said that the terrible events of 11 September 2001 had made it even more urgent to create a world safe for everyone and to promote a universal culture of human rights based on understanding, dialogue and tolerance so as to ensure that such events were never repeated. His Government remained profoundly convinced that only values, principles and decent living conditions which ensured human dignity, and not violence, could bring about social harmony. Political debate and democracy were also fundamental instruments for the promotion of human progress and the Commission provided a privileged forum for the discussion of new realities and challenges.

91. The fight against terrorism involved not just security but also the defence of universally shared values such as human rights and it was the responsibility of all to put into place multilateral mechanisms for developing and strengthening those rights. The statement by the Minister for Foreign Affairs of East Timor had provided an example of one people's successful fight as well as of the influence of the Commission's work in promoting human rights. Current human rights standards had been developed over time in a process which had culminated in the reaffirmation at the Vienna Conference of the indivisible and interdependent nature of all categories of human rights and the place of human rights at the centre of society.

92. Those values were reflected in the High Commissioner's vision of the link between democracy, freedom, human rights, development and solidarity. The Commission should remain focused on that vision in ensuring the follow-up to the Millennium Declaration and should also transmit that vision to the United Nations system as a whole in order to improve basic human dignity and create the foundation for stability which would guarantee international peace and security.

93. The ultimate objective was to ensure universal respect for human dignity and the defence of human rights also implied a readiness to accept criticism, because no society was perfect. His Government thus welcomed the Commission's readiness to deal with human rights violations in any part of the world, which should not be seen as confrontational or negative. Cooperation was

essential for the promotion and protection of human rights and his Government thus supported the efforts of the High Commissioner to strengthen national human rights protection in the various regions and to incorporate a human rights perspective into United Nations peacekeeping efforts. In that connection, non-governmental organizations (NGOs) had an essential role to play at all levels in the promotion of human dignity.

94. Globalization had led to a reaffirmation of identity in some regions in reaction to standardization and there were increasing signs of intolerance and discrimination, which threatened social peace and political stability. The Durban Conference, despite the difficulties encountered, had been a landmark event and had made a positive contribution to the promotion of human dignity by stressing the value of diversity, tolerance and understanding between cultures and civilizations. Chile had hosted one of the regional conferences, which had provided an opportunity for self-criticism and discussions which had made a positive contribution to the Durban Declaration and Programme of Action.

95. The task currently before the international community was to implement those agreements and the establishment of the Anti-Discrimination Unit and the appointment of five experts should be a priority for OHCHR. The agreements should also be discussed by the Commission, with due reference to the treatment of vulnerable segments of society, such as persons with disabilities, an issue of relevance to many societies throughout the world. In that context, he informed the Commission that his Government was playing an active role in initiating a process which would lead to the drafting of a convention on persons with disabilities.

96. Mr. BELIZ (Observer for Panama) speaking in exercise of the right of reply, categorically rejected the reference by the representative of Cuba to trials in progress in Panama. The trials in question would take place in full conformity with Panamanian law. Any decisions taken in that regard would be in keeping with Panama's prerogatives as a sovereign State. In that connection, he noted that his Government had invited Mr. Bernales Ballesteros, the Special Rapporteur on the question of the use of mercenaries to visit Panama on 1 May 2002, an invitation which he had accepted.

97. Mr. HILALE (Observer for Morocco) speaking in exercise of the right of reply to the statement made by the representative of Algeria, regarding the situation in Western Sahara, said that the Madrid Agreement, which had been published in a General Assembly resolution, could hardly be described as a secret one. He further recalled that King Hassan II had himself raised the issue of a referendum at the 1982 African Summit.

98. As for the release of Moroccan prisoners by the Frente POLISARIO, that was an obligation under international law and Security Council resolutions, not a proof of good faith. In that connection he recalled that, as his Minister had stated the day before, Algeria, as the country in which those prisoners were being held, had an obligation to ensure their release.

99. With regard to the framework agreement and supposed violations of its obligations on the part of the United Nations, he wondered why the President of Algeria, in his letter to the Secretary-General dated 22 May 2001, had referred simply to shortcomings and imbalances and, with regard to the refusal of Algeria to bargain away the rights of the Saharans, he wondered

why the President of Algeria had proposed that the territory be shared between Morocco and the Frente POLISARIO. He also had serious doubts about Algeria's commitment to peace since it had encouraged conflict for the past 25 years through its support for armed bands.

100. Mr. LEVY (Observer for Israel), speaking in exercise of the right of reply, said that he agreed with the representative of the Syrian Arab Republic that it was difficult to live through 54 years of aggression but stressed that it was the Syrian Arab Republic which had attacked Israel in 1948 and 1967 and that Israel had seized the Golan Heights in 1967 in exercise of its right of self-defence. Israel had also been attacked in 1973 on the occasion of one of its holiest days: Yom Kippur.

101. It was not true that terrorist attacks against Israel had begun with the 1967 war. On the contrary, terrorism against Israel had begun long before, had been used to try and prevent the establishment of Israel in 1948 and had continued between 1948 and 1967, killing hundreds and injuring thousands of Israelis. The Syrian Arab Republic continued to shelter terrorist groups and some still had their headquarters in Damascus. Hezbollah, a group supported by Syria, had only the week before organized a cross-border raid which had killed six Israelis.

102. In reply to the representative of Sudan, he said that a Government which was ready to kill large numbers of its own citizens should be the last to speak of genocide and international standards.

103. In reply to the representative of Algeria, he pointed out that the preparatory process for the Durban Conference should have highlighted the need to be sensitive to the feelings of others, whatever political differences there might be. That representative's allusions to the Holocaust, in which 6 million Jews had been killed, were deplorable and that systematic attempt to exterminate a people was in no way comparable to clashes between armed groups and the Israeli Defence Forces.

104. He reiterated his Government's position that self-determination and affirmation of the rights of the Palestinian people could not be achieved through military action or terrorism but only through a negotiated settlement following the end of hostilities. Finally, in reply to the representative of Bahrein, he pointed out that Israel had withdrawn from Lebanon in May 2000.

The meeting rose at 1 p.m.